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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,058	12/12/2000	Janet A. Barnett	13361	4588

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EXAMINER
VIG, NARESH

ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 10/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>11 August 2006</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-9 and 11* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-9 and 11* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

This is in reference to communication received 11 August 2006. Claims 1-9 and

11 are pending for examination.

Election/Restrictions

Applicant's election without traverse of claims 1-9 and 11 in the reply filed on 21

November 2005 is acknowledged.

Response to Arguments

Applicants arguments and concerns are responded to in response to pending

claims 1-9 and 11 below.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being vague and

indefinite. Applicant adds the limitation of using variety of payment models for facilitating

transactions and dynamic pricing. Applicant has not positively claimed how this added

limitation further limits the claimed invention because claim 1 upon which claim 3 claims

dependency does not claim any selling of the eCommerce service.

Claims 8,9 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being

incomplete for omitting essential structural cooperative relationships of elements, such

omission amounting to a gap between the necessary structural connections. See

MPEP § 2172.01. The omitted structural cooperative relationships are: distribution of

computationally intensive jobs for execution. It is not clear on how it is determined which

jobs are computationally intensive and where are the jobs distributed to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

PointCast.com hereinafter known as PointCast.

Regarding claim 1, PointCast teaches a computing platform to facilitate a dynamic availability of an eCommerce service (e.g. news, bulletin, solicitation) to a user over the Internet. PointCast teaches:

a web server in communication with a browser of the user [page 2], the web server with the capability of providing access control information to a the browser of the user [page 2], said access control information configured to allow the browser of the user to be notified of the availability of the eCommerce service available over the Internet (e.g. news, bulletin, solicitation) [page 2-6]

PointCast does not explicitly teach a Lookup Server configured to provide dynamic notification. However, PointCast teaches to provide dynamic notification to the browser of the user (e.g. news, bulletin, solicitation) of the availability of the eCommerce service (applicant is claiming content of the message as their invention), the dynamic notification occurring before a command requesting availability information is received from the user (PointCast teaches to update the information without a command issued from the user). In addition, PointCast teaches to update information related to user's desired information (e.g. update of ticker symbol prices).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that PointCast system has Lookup capability to be able to provide update to the prices of the ticker symbol.

Regarding claim 2, PointCast teaches eCommerce service is comprised of remote event notification (e.g. news, bulletin, solicitation) [page 2-6].

Regarding claim 3, PointCast does not specifically teach use of a variety of payment models, further facilitating transactions and dynamic pricing. Using of payment models and dynamic pricing is old and known to one of ordinary skill in the art. For example, Amazon.com. However, PointCast teaches capability to soliciting users to visit an external website by activating the solicitation window on the browser [page 12].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that PointCast is capable of taking user to an external website like Amazon.com which has capability for providing payment models and dynamic pricing.

Regarding claim 4, PointCast does not explicitly teach user access to the eCommerce service registered with said web server is controlled by exchange of a client applet between the user and said web server (applicant is claiming using Java applet for programming as their invention). However, it is inherent that PointCast has capability for some means and method for controlling exchange of information between user and web server.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that PointCast is capable of implementing using applet for exchanging information between user and web server.

Regarding claim 5, PointCast does not teach user information received from the
user is compared by said web server with corresponding user information (e.g. requiring
users to login) stored in a lightweight directory access protocol (LDAP) database
(applicant is claiming using LDAP database for storing information as their invention).
However, it would have been obvious to one of ordinary skill in the art at the time the
invention was made that PointCast is providing their services free of cost to users.

Therefore, should PointCast decide to generate revenue, it would have been
obvious to one of ordinary skill in the art at the time the invention was made to modify
PointCast and implement security features to limit the access of the system to
registered paying users only (for example, websites like www.dnb.com).

Regarding claim 6, as responded to earlier, PointCast teaches capability wherein
web server provides for the sale of commercial software products [page 12].

Regarding claim 7, PointCast does not teach their platform is Jini based.
However, applicant is claiming using commercially available product to implement their
computing platform as their claimed invention.

Claims 8, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable
over PointCast.com hereinafter known as PointCast in view a reference "IBM DCE V3.1
for AIX and IBM DCE V3.1 for Solaris" which was cited in previous office action(s).

Regarding claim 8, PointCast teaches providing remote access to services available on a network (e.g. update of stock prices). PointCast teaches:

a network server (PointCast.com);

at least one client browser in communication with the network server (Client Workstation);

a database in communication with the network server. PointCast does not explicitly teach database to include user, group and services information, said database storing at least client information (applicant is claiming type of information stored in a database as their invention; and

As responded to earlier in response to claim 1

a Lookup server.

wherein the availability of services are dynamically notified to said client browser by said Lookup Server through data provided by said network server to said client browser based on stored user information of said client browser and the user, group and services information accessed in the database.

PointCast does not teach computationally intensive jobs are distributed as directed for execution by the LoadBalancer/ComputeServer(s). However, IBM teaches Distributed Computing Environment (DCE) which is capable of distributing computationally intensive jobs for execution to get results faster.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify PointCast as taught by IBM and use DCE to distribute computationally intensive jobs for execution to get results faster.

wherein dynamically notified means that the availability of the service is notified to the client browser before a command requesting information is received from the client browser.

Regarding claim 9, as responded to earlier, PointCast can be modified to use providing a client applet to use commercially available software technology (applicant is claiming using of Java applet as their claimed invention).

Regarding claim 11, as responded to earlier, PointCast can be implemented using technology wherein database is a lightweight directory access protocol (LDAP) database (applicant is claiming using LDAP database for storing information as their invention).

Conclusion

Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Naresh Vig
Examiner
Art Unit 3629

October 2, 2006